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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,682	02/14/2002	Christopher R. Rice	42365-00580	1659

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TOWNSEND AND TOWNSEND AND CREW/22395
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

HERNANDEZ, OLGA

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/076,682

Applicant(s)

RICE ET AL.

Examiner

Olga Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2002.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 60702;60904.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 8, 10, 12, 20, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al (6,104,931).

As per claim 1, Havinis teaches at least one privacy profile for at least one subscriber wireless communications device, wherein the privacy profile includes at least one of: identification information for the at least one wireless communications device and at least one privacy preference for providing location information for the at least one wireless communications device to a requesting client application; and accessing over a data network which is configured to access, retrieve and provide the location information for the at least one wireless communications device to the requesting client application wherein prior to provision of the location information, accessing the privacy profile of the at least one wireless communications device and based on the analysis of the at least one privacy preference provide the location information in a manner specified in the profile, which includes but is not limited to denying access to the location information (figures 1-5, column 5, lines 5-35, column 7, lines 45-52). Havinis does not teach the memory and the interface. However, an interface is the place at which independent and often unrelated systems meet and act on or communicate with

each other <the man-machine *interface*> **b** : the means by which interaction or communication is achieved at an interface¹. Therefore, the use of the interface is obvious for the invention (figures 1-3). Regarding the memory, it is obvious that devices in a network require the use of a memory (figures 1-3) uses a memory in order to store information. Further, the omission of an element and its function in a combination where the remaining elements perform the same function involves only routine skill in the art. In re Karlson, 136 USPQ 184. Therefore, it would have been obvious to one skill in the art to implement the memory in Havinis' invention in order to allow network operators to define location services based upon the service parameters required by each individual location application.

As per claim 2, Havinis teaches providing access to the subscriber profile for the at least one wireless communications device wherein a subscriber accessing the profile *may* modify at least one privacy preference, and access information to the profile (column 4, lines 45-49, column 5, lines 15-35, column 7, lines 45-51).

As per claim 8, Havinis teaches a location server which provides the location information for the at least one wireless communications device (figures 1-3, abstract).

As per claims 10 and 21, Havinis teaches the data network with *at least one* of: a computer workstation configured with a web-browser and a network connection, wireless communications device employing wireless access protocol (WAP) and connecting through a WAP gateway, a wireless communications device configured for short message service (SMS) and a 3G phone configured with a direct HTML browser

¹ <http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=interface> (retrieved 5/5/05). Merriam-

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(figures 1-3, column 1, lines 27-43, column 4, lines 35-43, column 5, lines 16-35, column 6, lines 50-53).

As per claim 12, an interface is the place at which independent and often unrelated systems meet and act on or communicate with each other <the man-machine *interface*> **b** : the means by which interaction or communication is achieved at an interface¹. Therefore, the use of the interface is inherent for the invention (figures 1-3). Regarding the memory, it is inherent that devices in a network require the use of a memory (figures 1-3) uses a memory in order to store information. Further, the omission of an element and its function in a combination where the remaining elements perform the same function involves only routine skill in the art. In re Karlson, 136 USPQ 184.

As per claim 13 Havinis teaches periodically receiving location information requests for at least one wireless communications device over a data network from a requesting client application; accessing a subscriber profile associated with the at least one wireless communications device, wherein the subscriber profile includes an indication of which of the requesting client applications may receive the location information as well as at least one privacy preference which controls the manner in which the location information may be provided; determining whether the requesting client application is included in the accessed subscriber profile for the at least one wireless communications device; and if the at least one client application is identified in the accessed subscriber profile, providing access to the location information for the at

Webster On-Line Dictionary.

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least one wireless communications device according to the at least one privacy preference (figures 1-5, column 4, lines 35-55, column 5, lines 5-35, column 7, lines 45-52).

As per claim 20, Havinis teaches client applications over a data network and directly from a location server (figures 1-3).

Claims 3, 4, 5, 14, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al (6,104,931) in view of Hays et al (2003/0084033).

As per claims 3 and 16, Havinis does not teach privacy preference with authentication process for requesting client application. However, Hays teaches the authentication process, which grants or denies access based on the user's input. Thus, it would have been obvious to one skill in the art to combine Hays' authentication procedure with Havinis invention in order to provide security services that allow a client to quickly receive security information from a security service provider.

As per claims 4 and 14, Havinis does not teach authorization and authentication process for requesting client applications which request the location information for the at least one wireless communications device. However, Hays teaches authorization and authentication process for requesting client applications which request the location information for the at least one wireless communications device (paragraphs [0066], [0068], [0076], [0082], figures 1, 5a, 5b, 5c, 6-8). Thus, it would have been obvious to

¹ <http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=interface> (retrieved 5/5/05).

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one skill in the art to combine Hays' authentication procedure with Havinis invention in order to provide security services that allow a client to quickly receive security information from a security service provider.

As per claim 5, Havinis does not teach the client profile including client ID. However, Hays teaches it in paragraph [0084]. Thus, it would have been obvious to one skill in the art to combine Hays' authentication procedure with Havinis invention in order to provide security services that allow a client to quickly receive security information from a security service provider.

As per claim 15, Havinis does not teach accessing a client profile associated with the at least one requesting client application; receiving identification information from the at least one requesting client application; comparing the received identification with stored identification in the client application profile; and authenticating and authorizing the request for the location information if the received identification information substantially matches the received identification information. However, Hays teaches it in paragraphs [0066], [0068], [0076], [0082], figures 1, 5a, 5b, 5c, 6-8. Thus, it would have been obvious to one skill in the art to combine Hays' authentication procedure with Havinis invention in order to provide security services that allow a client to quickly receive security information from a security service provider.

Claims 6, 7, 9, 17, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al (6,104,931) in view of Hays et al (2003/0084033), further in view of Mellmer et al (2005/0044423).

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As per claims 6 and 17, neither Havinis nor Hays teaches granularity of the location information allowed. However, Mellmer teaches the granularity by street, state zip-code and son on (figures 23, 24, 28 and 29). Thus, it would have been obvious to one skill in the art to combine Mellmer's modification profile with Hays' authentication procedure and Havinis invention in order to provide and save credentials for future access to the web site; thus, the user has a kind of "single sign-on" to the Internet and does not have to remember multiple Internet identities.

As per claims 7, 9, 18 and 19, neither Havinis nor Hays teaches detecting an access request for the client application profile for the at least one client application, wherein the request includes identification information for the at least one client application; retrieving the client application profile and presenting said profile to the requesting client application; and detecting modifications to the client application profile and entering the detected modifications in the client application profile. However, Mellmer teaches it in paragraphs [0138], [0199]. Thus, it would have been obvious to one skill in the art to combine Mellmer's modification profile with Hays' authentication procedure and Havinis invention in order to provide and save credentials for future access to the web site; thus, the user has a kind of "single sign-on" to the Internet and does not have to remember multiple Internet identities.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al (6,104,931) in view of Malackowski et al (2005/0064851).

As per claim 22, Havinis does not teach automatically billing upon detected connection by the at least one client application. However, Malackowski discloses automatically billing upon detected connection by the at least one client application (abstract). Thus, it would have been obvious to one skill in the art to combine Malackowski's automatic billing with Havinis' invention in order to provide greater transmission reliability and increased geographical distribution of prompting media and fulfillment centers.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al (6,104,931) in view of Funk et al (6,721,633).

As per claim 23, Havinis does not teach providing throttling for the location requests. However, Funk teaches it in column 7, lines 5-10. Thus, it would have been obvious to one skill in the art to combine Funk's throttling request with Havinis' invention in order to provide high quality voice recognition system for a user, exporting data from onboard systems, transferring data to onboard systems, and communicating audible information to the user, all within a user interface that quickly and seamlessly responds to the user's queries and responses.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al (6,104,931) in view of Levin et al (2002/0128908).

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As per claim 24, Havinis does not teach the location request based on priority assigned to at least one client application and included in the client application profile. However, Levin teaches it in paragraph [0148]. Thus, it would have been obvious to one skill in the art to combine Havinis' invention with Levin's priority assignment in order to create customized campaigns across different promotions, on different devices, such as WAP phones, PDAs and voice enabled Internet applications.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis et al (6,104,931) in view of Malackowski et al' (2005/0064851) in view of Funk et al (6,721,633), and further in view of Levin et al (2002/0128908).

As per claim 11, Havinis does not teach automatically billing upon detected connection by the at least one client application. However, Malackowski discloses automatically billing upon detected connection by the at least one client application (abstract). Thus, it would have been obvious to one skill in the art to combine Malackowski's automatic billing with Havinis' invention in order to provide greater transmission reliability and increased geographical distribution of prompting media and fulfillment centers. Havinis does not teach providing throttling for the location requests. However, Funk teaches it in column 7, lines 5-10. Thus, it would have been obvious to one skill in the art to combine Funk's throttling request with Havinis' invention and Malackowski's automatic billing in order to provide high quality voice recognition system for a user, exporting data from onboard systems, transferring data to onboard systems,

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and communicating audible information to the user, all within a user interface that quickly and seamlessly responds to the user's queries and responses. Havinis does not teach the location request based on priority assigned to at least one client application and included in the client application profile. However, Levin teaches it in paragraph [0148]. Thus, it would have been obvious to one skill in the art to combine Havinis' invention with Malackowski's automatic billing, Funk's throttling request and Levin's priority assignment in order to create customized campaigns across different promotions, on different devices, such as WAP phones, PDAs and voice enabled Internet applications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is 571-272-7144. The examiner can normally be reached on Mon-Thu 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 571-272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'OH', with a long vertical line extending downwards from the end of the signature.

Olga Hernandez
Examiner
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